

**CITY OF LAKEWAY
ORDINANCE NO. 2014-08-18-02**

AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS ORDERING A BOND ELECTION ON THE 4TH OF NOVEMBER, 2014; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; AND OTHER PROVISIONS INCIDENT AND RELATING TO THE ELECTION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapter 1251 and Section 1331.052, Texas Government Code, as amended, the Texas Election Code, as amended, the home-rule charter of the City of Lakeway, Texas (the "City") and other related statutes the City Council of the City is authorized to call a special election in order to submit to the voters of the City a proposition regarding the issuance of general obligation bonds to acquire land for recreational purposes; and

WHEREAS, the City Council pursuant to Ordinance No. 2014-08-18-01 has also called an election to consider twelve proposed amendments to the City Charter; and

WHEREAS, the City Council deems it advisable to also call a bond election for the proposition hereinafter stated; and

WHEREAS, the ordering of the charter amendment propositions and the bond proposition on the ballot shall be in accordance with the Texas Election Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKEWAY, TEXAS THAT:

SECTION 1. ELECTION DATE, POLLING PLACES AND ELECTION JUDGES.

An election shall be held in the City as prescribed by applicable law between the hours of 7:00 A.M. and 7:00 P.M. on November 4, 2014. The City is located in Travis County and the Travis County Election Officer of the Travis County Election Division is conducting the election pursuant to an election agreement (the "Election Agreement") between the City and Travis County as authorized under Section 31.092 of the Texas Election Code. The election shall be held as a joint election pursuant to Chapter 271 of the Texas Election Code and a joint election agreement to be entered into between the City and the other participating entities located in Travis County, which are holding an election on November 4, 2014. The City election precincts and polling places within the City designated for holding the election shall be determined by Travis County and conducted at the polling places used for the Travis County General Election, attached hereto as Exhibit "A" to this Ordinance and such exhibit is hereby incorporated by reference for all purposes. Exhibit "A" may be revised and finalized, as necessary, as directed by the Travis County Election Officer. Travis County's election equipment shall be used for the election. The election judges and clerks shall be appointed in accordance with the Election Agreement and the Texas Election Code, as amended.

SECTION 2. EARLY VOTING.

Early voting in the election by personal appearance shall be conducted at the times, dates and polling places as provided for in the Travis County General Election attached hereto as Exhibit "B" to this Ordinance and such exhibit is incorporated by reference for all purposes. Exhibit "B" may be revised and finalized, as necessary, as directed by the Travis County Election Officer. Dana DeBeauvoir is the Early Voting Clerk. Application for ballots by mail should be sent to 5501 Airport Boulevard, Austin, Texas 78751.

SECTION 3. EARLY VOTING BALLOT BOARDS.

An early voting ballot board is hereby created to process early voting results, and the Presiding Judge and members of the board will be appointed by the Travis County Election Officer in accordance with the Election Agreement and the Texas Election Code.

SECTION 4. VOTERS.

All resident, qualified electors of the City shall be entitled to vote at the election.

SECTION 5. NOTICE.

A substantial copy of this Ordinance shall serve as a proper notice of the election. This notice, including a Spanish translation thereof, shall be posted at three (3) public places within the City, City Hall and any other location used for posting notice of City Council meetings not less than twenty-one (21) days prior to the date the election is to be held, and be published on the same day in each of two (2) successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than thirty (30) days, and not less than fourteen (14) days prior to the day of the election. The City is holding a bond election; therefore, in accordance with Section 4.003(f) of the Texas Election Code, a substantial copy of this Ordinance, appearing in English and Spanish, shall be posted on election day and during early voting by personal appearance in a prominent location at each polling place where this election is being held; posted in three public places in the boundaries of the City no later than the 21st day before the election (which may be satisfied by the required postings referenced above); and posted on the City's Internet website during the 21 days before the election.

SECTION 6. VOTING DEVICES.

In all respects, the election shall be conducted in accordance with the Texas Election Code and the Federal Help America Vote Act. Every polling place used in Travis County for this election will have at least one Direct Recording Electronic voting device available for election day voting and early voting.

The Travis County Voter Registrar may also utilize a central counting station as provided by Section 127.000 *et seq.*, as amended, Texas Election Code. Any central counting station

presiding judge and the alternate presiding judge shall be appointed in accordance with the Election Agreement and the Texas Election Code.

SECTION 7. BOND PROPOSITION.

At the election, the following BOND PROPOSITION shall be submitted in accordance with law:

BOND PROPOSITION

Shall the City Council of the City of Lakeway, Texas, be authorized to issue the bonds of the City, in one or more series or issues, in the aggregate principal amount of \$3,765,000 with the bonds of each such series or issues, respectively, to mature serially within not to exceed twenty-five years from their date of issuance, and to be sold at such prices and bear interest at such rates, as shall be determined within the discretion of the City Council, in accordance with law at the time of issuance, to acquire land for recreational purposes; and shall said City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay the bonds at maturity?

SECTION 8. OFFICIAL BALLOTS.

The official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the BOND PROPOSITION with the ballots to contain such provisions, markings and language as required by law, and with such BOND PROPOSITION to be expressed substantially as follows:

BOND PROPOSITION

The issuance of \$3,765,000 tax bonds to acquire land for recreational purposes.

SECTION 9. TEXAS ELECTION CODE.

In all respects the election shall be conducted in accordance with the Texas Election Code.

SECTION 10. RESULTS.

The Travis County Voter Registrar shall conduct an unofficial tabulation of results after the closing of the polls on November 4, 2014. The official canvass and tabulation of the results of the election shall be conducted in accordance with the Election Code.

SECTION 11. SECTION 3.009(b) OF THE TEXAS ELECTION CODE.

Solely for purposes of compliance with Section 3.009(b) of the Texas Election Code, set forth in Exhibit "C" attached hereto is the information required in a bond election ordinance in accordance with Section 3.009(b) of the Texas Election Code. Exhibit "C" is hereby incorporated by reference for all purposes.

SECTION 12. RECITALS.

The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 13. ORDINANCE CONTROLLING.

All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 14. ENFORCEMENT OF ORDINANCE.

This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 15. SEVERABILITY OF ORDINANCE.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 16. OPEN MEETING.


It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 17. EFFECTIVE DATE.

This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

PASSED AND APPROVED on this, 18th day of August, 2014.

CITY OF LAKEWAY, TEXAS:



David P. DeOme, Mayor

ATTEST:



Chessie Zimmerman, Deputy City Manager



EXHIBIT "A"

To be amended once the election sites are finalized for the November 4, 2014 election.

EXHIBIT "B"

EARLY VOTING

To be amended once the election sites are finalized for the November 4, 2014 election.

EXHIBIT "C"

**INFORMATION REQUIRED PURSUANT TO
SECTION 3.009(b) OF THE TEXAS ELECTION CODE¹**

In accordance with the provisions of 3.009(b) of the Texas Election Code, it is hereby found and determined that:

- (1) The proposition language that will appear on the ballot is set forth in Section 8 of this Ordinance.
- (2) The purpose for which the bonds are to be authorized is set forth in Section 7 of this Ordinance.
- (3) The principal amount of the bonds to be authorized is set forth in Sections 7 and 8 of this Ordinance.
- (4) As set forth in Sections 7 and 8 of this Ordinance, if the bonds are approved by the voters, taxes sufficient to pay the annual principal of and interest on the bonds, within the limits prescribed by law, may be imposed.
- (5) Based upon the bond market conditions on the date this Ordinance is approved, the maximum interest rate for any series of the bonds authorized to be sold by the voters is estimated to be 5.00%, as calculated in accordance with applicable law. Such estimate is based on advice received from the City's financial advisors, which advice takes into account a number of factors, including the timing of the issuance of debt obligations approved by the voters, the maturity schedule for debt obligations issued by the City, and the expected credit ratings of the proposed debt obligations. The estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold.
- (6) As set forth in Section 7 of this Ordinance, if the bonds are approved by the voters, the bonds may be issued in one or more series to mature serially over a period not to exceed 25 years.
- (7) As of the beginning of the City's current fiscal year (2013-2014), the aggregate amount of outstanding principal of the City's ad valorem tax debt obligations is \$6,505,000.00.
- (8) As of the beginning of the City's current fiscal year (2013-2014), the aggregate amount of outstanding interest on the City's ad valorem tax debt obligations is \$859,449.50.
- (9) As of the date of this Ordinance, the ad valorem debt service tax rate of the City of Lakeway is \$0.0195 per \$100.00 valuation of taxable property.

¹ This information is provided solely for purposes of compliance with Section 3.009(b) of the Texas Election Code and is for illustration purposes only. The information is not a part of the proposition to be voted on and does not create a contract with the voters.